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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,815	04/02/2004	Chan Ching	BHT-3123-122	9380
7590 01/04/2006			EXAMINER	
TROXELL LAW OFFICE PLLC			NASRI, JAVAID H	
SUITE 1404			ART UNIT	
5205 LEESBURG PIKE			PAPER NUMBER	
FALLS CHURCH, VA 22041			2839	

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/815,815

Applicant(s)

CHING, CHAN

Examiner

Javaid Nasri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 9/12/2005 & 10/24/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Taiwan on 3/10/2004. It is noted, however, that applicant has not filed a certified copy of the Taiwanese application as required by 35 U.S.C. 119(b).

### *Claim Objections*

2. Claim 10 is objected to because of the following informalities:
  - a) In claim 10, line 2, change "warming" to -- warning --.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ryeczek (5,922,996).

Ryeczek discloses **for claim 7**, a plurality of metal pins (see figure 13); an embedded block (112) located around a periphery of the plurality of metal pins (inside the plug 124, see note below) and having a thermochromic portion (128, 130) indicating an overload condition of the power plug; and a transparent housing (129, see col. 11, lines 44-50) covering a predetermined

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portion of each of the plurality of metal pins and the embedded block, wherein, when the power plug is in the overload condition, the thermochromic portion is visible from an exterior of the housing, **for claim 8**, the thermochromic portion of the embedded block includes thermochromic materials integrally formed therein, **for claim 9**, the thermochromic portion of the embedded block is a thermochromic film (14) located on an outer periphery of the embedded block, **for claim 10**, the thermochromic portion of the embedded block is warning characters printed with thermochromic materials on an outer periphery of the embedded block (154, see figure 15), **for claim 11**, the housing includes thermochromic materials integrally formed therein,

Note: USPTO interprets claims, giving claims their “broadest reasonable interpretation.”

(see, e.g., *In re Morris*, 127 F.3d 1048, 1054-55 (Fed. Cir. 1997)).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryeczek.

Ryeczek discloses all the limitations of claim 7, as shown above,

However, Ryeczek does not disclose:

- a) For claim 12, A light emitting diode and a detecting transistor. Official notice is taken that use of a light emitting diode and a detecting transistor

for indication of a condition is well known in the art, therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention for Ryeczek to have a light emitting diode and a detecting transistor for indication of a condition.

- b) For claim 13, the thermochromic portion is made of Polybutylene Terephthalate. Official notice is taken that use of Polybutylene Terephthalate for a thermochromic portion is well known in the art see attached document; therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention for Ryeczek to have the thermochromic portion made of Polybutylene Terephthalate for better indication.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.


### **Contact**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javaid Nasri whose telephone number is 571 272 2095. The examiner can normally be reached on Monday to Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tulsidas C. Patel can be reached on 571 272 2800 ext 39. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Javaid Nasri  
Primary Examiner  
Art Unit 2839

JN

Jhn

December 28, 2005